

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

Anthony Garza

KS
Clark Davila

Case No.

19-MJ-2779

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 20, 2019 in the county of Dona Ana in the
District of New Mexico, the defendant(s) violated:

Code Section

18 U.S.C. 875(c)

Offense Description

makes it a crime for any person to use an interstate means to transmit a
 threat to injure

This criminal complaint is based on these facts:

See attached "Affidavit"

☒ Continued on the attached sheet.


Complainant's signature

Gavin Larsen, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/10/2019


Judge's signature

City and state: Las Cruces, New Mexico

KEVIN R. SWEAZE, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

AFFIDAVIT

I, Gavin Larsen, Special Agent (SA) of the Federal Bureau of Investigation (FBI), being duly sworn, do hereby depose and state:

1. I have been employed as an FBI SA since July 2018. Prior to being an FBI SA I was employed as a police officer for the Aberdeen Police Department in Aberdeen, South Dakota (SD). As an FBI Agent, I am charged with investigating various violations of federal statutes including the use of interstate means to threaten another.
2. The information contained herein is based upon my own investigation as well as information supplied to me by other law enforcement officers. I have not included all facts known to me concerning this matter, but only facts necessary to set forth probable cause.
3. This affidavit is in support of a criminal complaint charging Anthony Clark Davila GARZA (GARZA), a citizen of the United States, use of an interstate transmission to threat to injure, in violation of Title 18 USC 875(c).
4. On August 19, 2019, at approximately 9:59 pm, GARZA posted the following in a Facebook post that was visible to any Facebook user visiting his page: "N.J - Dead Jeff / L.B.- Dead...M.C. -Dead. All Military -Dead. I'm killing red heads & NASA workers on site. Fuck you GOD. Youve been replaced."
5. On August 20, 2019, SA Armida Macmanus interviewed D.T., who went to high school with GARZA and is currently employed at NASA. On August 19, 2019, at approximately 10:00 pm, D.T. viewed the aforementioned Facebook post and became alarmed. D.T. reported the post to the fire chief on NASA.
6. Also on August 20, 2019, SA Macmanus interviewed M.C., who was referenced in the aforementioned Facebook post. M.C. also graduated high school with GARZA. GARZA made threats to kill M.C. in the past. For example, GARZA told M.C. that it was his mission from God to kill M.C., but that it wasn't M.C.'s time yet. On August 19, 2019, after viewing the aforementioned post, M.C. commented on the post asking

why GARZA would post the threat knowing M.C. had a child. On this same day, M.C. contacted GARZA via a voice call through Facebook Messenger. GARZA told M.C. "It's my mission to kill you and the other people and your time is coming." M.C. told GARZA that his post "was not funny as I have a kid and this is not a joke." After telling GARZA this, GARZA hung up the phone. M.C. feels that his life is being threatened by GARZA.

7. Through the course of the investigation it was confirmed by R.A. that GARZA utilized a personal cellular device with a phone number ending in 4558. It was confirmed by residents that GARZA resided at 2501 El Camino Real Road Trailer 44. The residence located at 2501 El Camino Real Road Trailer 44 did not utilize a wireless internet provider at the time of the incident according to S.A.
8. Based on my training and experience, and that of other agents, I know that when an individual uses their cellular telephone to access the internet, the cellular telephone sends and receives radio communications to and from a cellular site (commonly referred to as a "cell site" or "cell tower"). The subject's cellular telephone, ending in 4558, utilizes the AT&T cellular network. By necessity, all voice, text, and data transactions on the AT&T network pass through and are routed by AT&T "switches," either to other cellular devices on the network, or to other networks, or to and from the internet. Currently, transmissions on the AT&T network travel interstate as they are routed to various "switches", including data transactions accessing the internet and internet-based applications or websites, such as Facebook.
9. Assistant United States Attorney Aaron Jordan approved prosecution in this matter.
10. Based on the foregoing, there is probable cause to believe that Anthony Clark Davila GARZA violated Title 18 U.S.C. 875(c), which makes it a crime for any person to use an interstate means to transmit a threat to injure.

A handwritten signature in blue ink, appearing to read "Gavin Larsen", written over a horizontal line.

Gavin Larsen, Special Agent
Federal Bureau of Investigation

Sworn to before me this

22 day of August 2019.

A handwritten signature in blue ink, appearing to read "Kevin Sweazea", written over a horizontal line.

KEVIN R. SWEAZEA

UNITED STATES MAGISTRATE JUDGE